

MEMORANDUM

Date: January 28, 1974
To: Office Information
From: Dee Hansen
Re: Duchesne River General Adjudication

A hearing was held before Judge Maurice Harding relative to distribution problems and the general adjudication of the Duchesne River January 26, 1974, at 11:00 a.m. in the Governor's Boardroom. There was considerable discussion as to the operation of the distribution schedule ordered by the court during the irrigation season of 1973, with discussion both pro and con concerning the delivery of water on the basis of 1.0 sec.-ft. per 70 acres. It was generally noted that during the 1973 irrigation season, regulation was enforced during the period August 11 to August 18 only, because of the high water during the total irrigation season. There was discussion by some of the legal counsel as to the waste of water by irrigation companies, and it was generally felt by the group represented by Hugh Colton that this should not be permitted. The Court and counsel were presented with preliminary data on canal seepage losses as collected in a study conducted by the Division of Water Rights and were asked for comments concerning the study.

The State Engineer recommended to the Court that water be distributed on the basis of 1 sec.-ft. per 70 acres for that amount of acreage irrigated during the 1974 irrigation season.

It was generally agreed that the State Engineer present the duty question and the determination exclusive of the Indian rights in the fall. At this point Dallin explained the problem relative to the Indian users and explained that John Boyden had indicated that unless

the Indian Tribe was satisfied with the acreage allocation, the Indian Tribe would resist being joined in the general adjudication. There was then considerable discussion concerning the possibility of proceeding with the adjudication specifically excluding the Indian Tribe. This drew considerable favor from those present, and it was generally agreed that perhaps this was the course of action which should be pursued.

The State Engineer also agreed to advise the Court of his plans for the 1974 irrigation season concerning where he felt additional information could be gained relative to the problem of establishing a duty.